

Minutes
Formal City Council Meeting
June 5, 2008

Minutes of the Formal Council Meeting of Thursday, June 5, 2008, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Vice Mayor Hut Hutson
Councilmember P Ben Arredondo
Councilmember Barbara J. Carter
Councilmember Onnie Shekerjian

COUNCIL ABSENT:

Councilmember Shana Ellis
Councilmember Mark W. Mitchell

Mayor Hallman called the meeting to order at 7:35 p.m.

1. Vice Mayor Hutson gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.

3. MINUTES

A. Approval of Council Meeting Minutes

Motion by Vice Mayor Hutson to approve the following **COUNCIL MEETING MINUTES**.
Second by Councilmember Arredondo. Motion passed unanimously on a voice vote.

1. Council's Executive Session – May 15, 2008
2. Council's Issue Review Session - May 15, 2008 [20080605clrkck02.pdf](#)
3. Council's Formal Meeting – May 15, 2008 [20080605clrkck01.pdf](#)
4. Council's Special Budget Session – May 22, 2008 [20080605clrkck3.pdf](#)
5. Council's Ad Hoc Long Range Budget & Finance Planning – May 8 & 22, 2008
[20080605lrbf01.pdf](#) [20080605lrbf02.pdf](#)
- 5a. Council's Public Safety & Neighborhood Quality of Life Committee –
May 13, 2008 [20080605psnql01.pdf](#)
- 5b. Council's Transportation, Housing & Environment Committee – April 22, 2008
[20080605the01.pdf](#)
6. Council's Tourism & Recreation Committee – May 14, 2008 [20080605trc01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Vice Mayor Hutson to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Shekerjian. Motion passed unanimously on a voice

vote.

7. Apache Boulevard Project Area Committee – April 14, 2008 [20080605apac01.pdf](#)
8. Aviation Commission – April 15, 2008 [20080605tavco01.pdf](#)
9. Committee for Youth, Families & Community – April 21, 2008 [20080605cyfc01.pdf](#)
10. Community Special Events Task Force – May 6 & 20, 2008 [20080605setf01.pdf](#)
[20080605setf02.pdf](#)
11. Golf Committee – March 5, 2008 [20080605gc01.pdf](#)
12. Hearing Officer – April 15 & May 6, 2008 [20080605ho01.pdf](#) [20080605ho02.pdf](#)
13. Historic Preservation Commission – April 10, 2008 [20080605hpc01.pdf](#)
14. Historical Museum Advisory Board – April 3, 2008 [20080605hmab01.pdf](#)
15. Joint Rio Salado Advisory Commission & Enhanced Services Commission – April 7, 2008 [20080605rsacesc01.pdf](#)
16. Library Advisory Board – April 7, 2008 [20080605lab01.pdf](#)
17. Mayor's Youth Advisory Commission – April 1, 2008 [20080605myac01.pdf](#)
18. Municipal Arts Commission – April 9, 2008 [20080605mac03.pdf](#)
19. Municipal Arts Commission – Public Art/Art in Private Development Committee – April 22, 2008 [20080605mac01.pdf](#)
20. DELETED
21. DELETED
22. DELETED
23. DELETED

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- a. Mayor Hallman wished birthday greetings to Diane Nanez.

B. Manager's Announcements

- a. Charlie Meyer announced that **ASU Women's Softball Team** won the Women's College World Series. He added that the Council would like to recognize the team when they come back together in the Fall. He recognized the team for the terrific recognition they brought to ASU and Tempe.

5. AGENDA

All items in these minutes identified with an asterisk (*) are **public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Vice Mayor Hutson to approve the Agenda as amended (Item #45 was deferred to the July 22nd Council meeting, and Item #73 was removed for separate consideration). Second by Councilmember Carter. Motion passed on a roll call vote 5-0, with Councilmembers Ellis and Mitchell absent.

A. Miscellaneous Items

24. Approved the canvass of the City of Tempe General Election held May 20, 2008.
DOCUMENT NAME: [20080605clrkh01.pdf](#) GENERAL ELECTION – MAY 20, 2008 (0506-31-02)

25. Authorized the Mayor to execute **Contract #2008-98**, a 5-year agreement between Tower Cloud, Inc., and the City of Tempe for the placement and use of facilities in the right-of-way and public places for the purpose of providing fiber optic backhaul service to wireless carriers.
DOCUMENT NAME: [20080605ITDH2.pdf](#) TOWER CLOUD TELECOM (0802-34)

26. Approved **Contract #2008-99**, an Intergovernmental Agreement between the Tempe Union High School District and the City of Tempe for the provision of the Substance Abuse Prevention Services.
COMMENTS: Arizona State Department of Education - Title IV, State Chemical Abuse and Tempe Community In Schools grants totaling \$77, 266.00 for FY July 1st, 2007 through June 30th, 2008.
DOCUMENT NAME: [20080605CSKB.pdf](#) COMMUNITY SERVICE ADM (0701-01)

27. Authorized the Mayor to sign **Contract #2008-100**, an Intergovernmental Agreement with Tempe Elementary School District #3 to use bus parking spaces at the City of Tempe East Valley Bus Operations and Maintenance Facility.
COMMENTS: Contract amount for Intergovernmental Agreement totals \$1,200.00.
DOCUMENT NAME: [20080605PWRY01.pdf](#) TRANSPORTATION PLANNING (1101-01)

28. Authorized the Mayor to sign **Contract #2008-101**, an Intergovernmental Agreement with Tempe Elementary School District #3 to use bus wash, vacuum and storage space at the City of Tempe East Valley Bus Operations and Maintenance Facility.
COMMENTS: Contract amount for Intergovernmental Agreement totals \$1,200.00 per year.
DOCUMENT NAME: [20080605PWRY02.pdf](#) TRANSPORTATION PLANNING (1101-01)

29. Approved **Contract #2007-152A**, Amendment 1 to the Intergovernmental Agreement with Maricopa County for special transportation services.
COMMENTS: This amendment increases the contract value by \$10,000 to an amount not to exceed \$20,000.
DOCUMENT NAME: [20080605PWgj01.pdf](#) TRANSPORTATION PLANNING

(1101-01)

30. Approved **Contract #2008-102**, an intergovernmental agreement with the City of Maricopa regarding mid-day express transit service between Maricopa and the City of Tempe.
DOCUMENT NAME: [20080605PWgj02.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

31. Authorized the Mayor to sign **Contract #2005-11B**, Amendment No. 2 to extend the lease agreement for the Transit Store at 502 S. College.
COMMENTS: Amendment No. 2 extends the lease agreement from July 1, 2008 through January 1, 2009. The rent is increased from \$2000 a month to \$2500 effective July 1, 2008.
DOCUMENT NAME: [20080605dj01.pdf](#) **FIFTH AND COLLEGE LLC – 502 S. COLLEGE (0903-52)**

- 31a. Approved annual insurance premium renewals for fiscal year 2008/2009 to include excess property, primary and excess liability, crime, excess workers' compensation, and auto insurance purchased through the City's risk management consultant/broker, Marsh USA, Inc.
COMMENTS: (T05-109-01) Total amount not to exceed \$1,200,000.
DOCUMENT NAME: [20080605fst26.pdf](#) **LIABILITY INSURANCE (0510-01)**

32. Adopted the Notice of Intention setting the time (7:30 p.m.) and date (July 22, 2008) for the public hearing to modify water rates.
DOCUMENT NAME: [20080605fstd01.pdf](#) **MISCELLANEOUS FEES (0210-05)**

33. Adopted the Notice of Intention setting the time (7:30 p.m.) and date (July 22, 2008) for the public hearing to modify wastewater rates.
DOCUMENT NAME: [20080605fstd02.pdf](#) **MISCELLANEOUS FEES (0210-05)**

34. DELETED

35. Approved **with conditions** a Condominium Plat for **CROSSROADS OF TEMPE OFFICE CONDOMINIUM** located at 305 West Elliot Road.
COMMENTS: (PL060448) (Castle & Cooke Commercial, property owner; Survey Innovation Group, applicant) located at 305 West Elliot Road, in the PCC-1, Planned Commercial Center Neighborhood District. The request includes the following:
SBD07052 – Condominium Plat consisting of eleven (11) units and (1) tract on +/-9.30 acres.

The following conditions were also approved:

1. The Condominium Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before June 5, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.
2. Prior to recordation, the plat shall dedicate to the City for public use, a continuous sixty-five (65) feet half street right-of-way along Elliot Road.

DOCUMENT NAME: [20080605dsrl02.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

36. Approved **with condition** a Final Subdivision Plat for **TEMPE TRANSPORTATION CENTER** located at 200 East Fifth Street.

COMMENTS: (PL080160) (City of Tempe, owner; Terry Holbert, Brady-Aulerich & Associates, Inc., applicant) for a Final Subdivision Plat on +/- 6.598 net acres located at 200 East Fifth Street in the CC, City Center District, the GID, General Industrial District, and within the RSOD, Rio Salado Overlay District and the TOD, Transportation Overlay District, including the following:

SBD08015 – Final Subdivision Plat to combine the property into two lots and one tract.

The following condition was also approved:

1. Place the Subdivision Plat into proper engineered format with appropriate signature blanks. Record the Subdivision Plat with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before one year from date of City Council approval (June 5, 2009). Failure to record the plan by one year from date of City Council approval shall make the approval of the Subdivision Plat null and void.

DOCUMENT NAME: [20080605dskko03.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

37. Approved **with condition** an Amended Subdivision Plat for **GERDES RESIDENCE** located at 8404 South Kachina Drive.

COMMENTS: (PL080065) (Michael and Diane Gerdes, property owners/applicant) located at 8404 South Kachina Drive in the R1-7, Single-Family Residential District. The request includes the following:

SBD08016 – Amended Subdivision Plat combining two lots into one.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before June 5, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20080605dsrl01.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

38. Approved **with condition** an Amended Condominium Plat for **RAVENWOOD**, located at 647 W Baseline Road.

COMMENTS: (PL070529) (David Kubin, Wood Partners, property owner / Victor Story, V3CC, applicant) located at 647 West Baseline Road, in the R-3, Multi-family

Residential District for the following:

SBD08003 – Amended Condominium Plat for 240 residential units on 25.44 net acres.

The following condition was also approved:

1. The Amended Condominium Plat for Ravenwood shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to issuance of any occupancy permits.. Failure to record the plan within one year of Council approval (June 5, 2009) shall make the plan null and void.

DOCUMENT NAME: [20080605dsdk01.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

39. Approved **with condition** a Final Subdivision Plat for **PRIEST AND UNIVERSITY LOT**, located at 1406 W. University Drive.

COMMENTS: (PL070363) (City of Tempe, owner; John Scott, Arizona Engineering, Applicant) consisting of a Final Subdivision Plat on .466 net acres, located at 1406 West University Drive in the CSS, Commercial Shopping and Services District. The request includes the following:

SBD08013 - Final Subdivision Plat combining two lots into one.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before June 5, 2009. Failure to record the plan within one (1) year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20080605dsjc01.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

- *40. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Chipotle Mexican Grill LLC dba Chipotle Mexican Grill, #1208, 1038 South Mill Avenue.

COMMENTS: H J Lewkowitz is the Agent for this application.

DOCUMENT NAME: [20080605LIQ01.pdf](#) **LIQ LIC (0210-02)**

- *41. Held a public hearing and recommended the approval of a Series 10 Beer and Wine Store Liquor License for Spiral Broadcasting Company LLC dba Baseline Car Wash, 616 West Baseline Road.

COMMENTS: Randy Nations is the Agent for this application.

DOCUMENT NAME: [20080605LIQ02.pdf](#) **LIQ LIC (0210-02)**

- *42. Held a public hearing and recommended the approval of a Series 10 Beer and Wine Store Liquor License for Spiral Broadcasting Company LLC dba Autoplex Car Wash, 7700 South Autoplex Loop.

COMMENTS: Randy Nations is the Agent for this application.

DOCUMENT NAME: [20080605LIQ03.pdf](#) **LIQ LIC (0210-02)**

- *43. Held a public hearing and recommended the approval of a Series 12 Restaurant Continuation Liquor License for Feller's Place LLC dba Final Round Café, 5030 South Mill Avenue, #D-20.
COMMENTS: A restaurant continuation liquor license allows the applicant to continue to sell liquor during the application review process. Jesse Feller is the Agent for this application.
DOCUMENT NAME: [20080605LIQ04.pdf](#) LIQ LIC (0210-02)
- *44. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Cho & Lee Inc., dba Sushi Eye Bar and Grill, 780 West Elliot Road, #104.
COMMENTS: Richard Cho is the Agent for this application.
DOCUMENT NAME: [20080605LIQ05.pdf](#) LIQ LIC (0210-02)
- *45. ***THIS ITEM WAS DEFERRED TO THE 7/22/08 FORMAL COUNCIL MEETING.***
This is a public hearing to recommend the approval of a Series 6 Bar Liquor License for Idaho Business Holdings LLC dba Elite, 910 North McClintock Drive.
COMMENTS: H. J. Lewkowitz is the Agent for this application.

Mayor Hallman stated that he had received a letter stating that there would be a protest filed, but no protest was filed. He asked the City Attorney to verify that no protest had been filed.

Andrew Ching responded that no formal protest was filed.

Mayor Hallman continued that the letter was from Andrew Thomas and he asked if anyone was present to speak on behalf of Maricopa County.

No one came forward to speak.

Mayor Hallman added that without a full panel of Council present, he would ask that this item be deferred and he asked the City Attorney if that was appropriate.

Mr. Ching responded that it could be deferred.

Mayor Hallman asked for Council's consensus to defer this item to the next Council meeting.

There was consensus to defer this item to the 7/22/08 Council meeting.

DOCUMENT NAME: [20080605LIQ06.pdf](#) LIQ LIC (0210-02)

- *46. Held a public hearing and recommended the approval of a Series 04 Wholesaler's Liquor License for Independent Brands LLC dba Independent Brands, 2105 South 48th Street, #101.
COMMENTS: Jesus Altamirano is the Agent for this application.

DOCUMENT NAME: [20080605LIQ08.pdf](#) LIQ LIC (0210-02)

- *47. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Burrito Three LLC dba Moe's Southwest Grill, 555 North Scottsdale Road, #105.

COMMENTS: Evelyn Zafft is the Agent for this application.

DOCUMENT NAME: [20080605LIQ09.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

48. Approved **Contract #2008-103**, a professional services contract with The Moore/Swick Partnership for landscape architectural design services at Evelyn Hallman Park.

COMMENTS: Total cost for this contract shall not exceed \$408,907.

DOCUMENT NAME: [20080605PWDR09.pdf](#) PARKS MAINTENANCE (0706)
PROJECT NO. 6305041

49. Awarded **Contract #2008-104**, three-year contracts with three, one-year renewal options to Apache Sands Service Center, Inc., All City Towing and Auto Citi Towing for Fleet and Police towing services.

COMMENTS: (RFP #08-131) Total cost to the City for fleet tows shall not exceed \$80,000 during the initial contract period. Charges for Police initiated tows are the responsibility of the vehicle owner.

DOCUMENT NAME: [20080605fsta05.pdf](#) PURCHASES (1004-01)

50. Awarded **Contract #2008-105**, a two-year contract with, three one-year renewal options to Heinfeld, Meech & Co., P.C. for professional financial statement audit services for the Financial Services Department and other City departments on an as needed basis.

COMMENTS: (RFP #08-128) Total cost for this contract shall not exceed \$200,000.

DOCUMENT NAME: [20080605fsts14.pdf](#) PURCHASES (1004-01)

51. Awarded **Contract #2008-106**, a one-year contract to EZ-Liner Industries for a Roadway Striper to be operated by the Traffic Operations Department of Public Works to install and maintain traffic control pavement markings on Tempe City streets.

COMMENTS: (RFP #08-134) Total cost for this contract shall not exceed \$340,000.

DOCUMENT NAME: [20080605fsta17.pdf](#) PURCHASES (1004-01)

52. Approved **Contract #2008-107**, a five year contract with Econolite Control Products, Inc. for the purchase of a variety of traffic signal control equipment used to maintain and upgrade the City's traffic operations network.

COMMENTS: (T08-143-01) Total amount not to exceed \$2,500,000.

DOCUMENT NAME: [20080605fsmg18.pdf](#) PURCHASES (1004-01)

53. Awarded **Contract #2008-108**, a two-year contract with, three one-year renewal options to Border States Electric Supply for the purchase of Rockwell-Allen-Bradley programmable logic controllers and input/output modules, related hardware, software and training for the automated process control and monitoring of the water and wastewater treatment plants.
COMMENTS: (RFP #08-019) Total cost for this contract shall not exceed \$100,000.
DOCUMENT NAME: [20080605fsts19.pdf](#) **PURCHASES (1004-01)**
54. Awarded **Contract #2008-109**, two-year contracts with, three one-year renewal options to CJB Photography; Wagner Photography, LLC; Ktizo Creative Productions, LLC; Skyline Productions; Fischtale Media, LLC; Show-n-Tell Productions; Direct Current Productions; and Just Press Play for media specialists, still photographer, and videographer services for Tempe Channel 11 and various City departments on an as needed basis.
COMMENTS: (RFP #08-098) Total cost for these contracts shall not exceed \$70,000.
DOCUMENT NAME: [20080605fsts22.pdf](#) **PURCHASES (1004-01)**
55. Awarded **Contract #2008-110**, two-year contracts with three, one-year renewal options to Somerset Landscape Maintenance and Urban Forest Tree Care for landscape maintenance services.
COMMENTS: (RFP #09-002) Total cost for this contract shall not exceed \$1,226,733 during the initial contract period.
DOCUMENT NAME: [20080605fslq23.pdf](#) **PURCHASES (1004-01)**
56. Awarded **Contract #2008-111**, a three-year sole source contract to Quality Attributes Software for the purchase and maintenance of an interactive information system for the East Valley Bus Operations and Maintenance Facility and the Tempe Transportation Center buildings.
COMMENTS: (Sole Source #08-181) Total cost for this contract shall not exceed \$119,000 during the contract period.
DOCUMENT NAME: [20080605fsts25.pdf](#) **PURCHASES (1004-01)**
57. Awarded **Contract #2008-112**, a construction contract to ELS Construction, Inc., approved a construction change order contingency and approved **Contract #2008-113**, a construction management contract with Stanley Consultants, Inc., for construction of a multi-use path along Tempe Canal.
COMMENTS: Total cost for the construction contract is the amount of \$914,805.79. Construction change order contingency shall not exceed the amount of \$91,500. The total cost for the construction management contract shall not exceed \$104,369.
DOCUMENT NAME: [20080605PWDR01.pdf](#) **TRANSPORTATION PLANNING**

(1101-01) PROJECT NO. 60-997018

58. Awarded **Contract #2008-114**, a construction contract to J. Banicki Construction and approval of a construction change order contingency for a park-and-ride facility at Dorsey Lane and Apache Boulevard.
COMMENTS: Total cost for the construction contract is the amount of \$600,411.50 and the construction change order contingency is the amount of \$90,000.
DOCUMENT NAME: [20080605PWDR02.pdf](#) **PARK & RIDE LOTS (1105-03)**
PROJECT NO. 6004051
59. Awarded **Contract #2008-115**, a construction contract to FNF Construction, Inc., and approval of a construction change order contingency for renovations to Hudson Park and constructing neighborhood traffic calming devices in Hudson Manor.
COMMENTS: Total cost for the construction contract is the amount of \$1,312,193.95 (base bid plus add alternates nos. 1, 2 and 3) and the construction change order contingency is the amount of \$131,000.
DOCUMENT NAME: [20080605PWDR03.pdf](#) **HUDSON PARK (0706-20)**
PROJECT NO. 6302631 & 5402821
60. Approved **Contract #2007-238B**, a Construction Job Order No. 2 with Cactus Asphalt and a construction change order contingency for pavement resurfacing for collector street rehabilitation.
COMMENTS: Total cost for the construction job order is the amount of \$882,041.25. The construction change order contingency shall not exceed \$88,204.
DOCUMENT NAME: [20080605PWDR05.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5408091**
61. Approved **Contract #2007-218C**, a Construction Job Order No. 3 with Sunland Asphalt and a construction change order contingency for intersection reconstruction at Priest Drive and Southern Avenue.
COMMENTS: Total cost for the construction job order is the amount of \$757,351.75. The construction change order contingency shall not exceed \$113,602.
DOCUMENT NAME: [20080605PWDR06.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5409001**
62. Approved **Contract #2007-221B**, Job Order #2 for pavement resurfacing on Rural Road through the existing job order contract with J. Banicki Construction, Inc., and approve an initial change order contingency.
COMMENTS: Total amount for job order #2 is \$837,273.83 and the initial change order contingency is \$125,000.
DOCUMENT NAME: [20080605PWDR07.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5408081**

63. Approved an increase to the change order contingency for the contract with Adolfson & Peterson Construction for construction of bus shelters in the Tempe Transportation Center.
COMMENTS: (Contract C2006-131) Total amount of the increase to the contingency is \$860,000.
DOCUMENT NAME: [20080605PWDR10.pdf](#) **TEMPE TRANSIT CENTER (1106-06) PROJECT NO. 60-976762**
64. Approved an increase to the contract amounts with Accuvant Inc. and Intelligent Connections for information technology security products, services, and accessories used by various City departments.
COMMENTS: (T07-095-01 and T07-095-02) Increase in the amount of \$150,000 from \$200,000 to \$350,000.
DOCUMENT NAME: [20080605fst11.pdf](#) **PURCHASES (1004-01)**
65. Approved an increase to the contract amount with NEC Unified Solutions for Cisco network and Voice over IP equipment and services that are used by various departments throughout the City.
COMMENTS: (T07-040-01) Increase in the amount of \$600,000 from \$1,000,000 to \$1,600,000.
DOCUMENT NAME: [20080605fst13.pdf](#) **PURCHASES (1004-01)**
66. Approved a one-year contract renewal with West Coast Turf/Western Sod for the purchase and installation of sod used by the Parks and Recreation Department.
COMMENTS: (T07-039-01) Total amount not to exceed \$120,000.
DOCUMENT NAME: [20080605fslq01.pdf](#) **PURCHASES (1004-01)**
67. Approved a one-year contract renewal with Creative Pipe, Inc. for the purchase of powder-coated transit furniture.
COMMENTS: (T08-005-01) Total amount not to exceed \$40,000.
DOCUMENT NAME: [20080605fslq02.pdf](#) **PURCHASES (1004-01)**
68. Approved a one-year contract renewal with Lacor Streetscape for the purchase of vertical shade assemblies for bus shelters.
COMMENTS: (T07-014-01) Total amount not to exceed \$35,000.
DOCUMENT NAME: [20080605fslq03.pdf](#) **PURCHASES (1004-01)**
69. Approved a one-year contract renewal with Rosenbauer America for Fire Department pumper trucks.
COMMENTS: (T07-157-01) Total amount not to exceed \$244,000.
DOCUMENT NAME: [20080605fslq04.pdf](#) **PURCHASES (1004-01)**
70. Approved a one-year contract renewal with Southwest Business Forms and Commercial

Printing for the printing of business forms.

COMMENTS: (T07-017-01) Total amount not to exceed \$75,000.

DOCUMENT NAME: [20080605fsta06.pdf](#) **PURCHASES (1004-01)**

71. Approved a one-year contract renewal with Miracle Auto Painting and Body Repairs for painting current Police vehicles in a black and white paint design.

COMMENTS: (T07-168-01) Total amount not to exceed \$100,000.

DOCUMENT NAME: [20080605fsta07.pdf](#) **PURCHASES (1004-01)**

72. Approved a one-year contract renewal with Deltawrx Management Consultants to assist in the specification development, purchase, installation and implementation of a new Records Management, Computer Aided Dispatch and Report Writer System for the Police Department.

COMMENTS: (T07-131-01) Total amount not to exceed \$240,000.

DOCUMENT NAME: [20080605fsta08.pdf](#) **PURCHASES (1004-01)**

73. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.***

Approved a one-year contract renewal with CIGNA Health Care for an HMO Medical Plan for city employees, families and retirees.

COMMENTS: (T97-001-01) Total amount not to exceed \$5,800,000.

Mayor Hallman declared a conflict of interest and Vice Mayor Hutson conducted the vote.

Motion by Councilmember Shekerjian to approve Item #73. Second by Councilmember Carter. Motion passed on a roll call vote, 4-0, with Mayor Hallman abstaining, and Councilmembers Ellis and Mitchell absent.

DOCUMENT NAME: [20080605fsta09.pdf](#) **PURCHASES (1004-01)**

74. Approved one-year contract renewals with Gruber Power Services and Titan Power, Inc., for uninterruptible power system (UPS) maintenance, service and battery replacement throughout various City departments.

COMMENTS: (T07-166-01 and T07-166-02) Total amount not to exceed \$150,000.

DOCUMENT NAME: [20080605fst10.pdf](#) **PURCHASES (1004-01)**

75. Approved a one-year contract renewal with Ancon Service Company for cleaning, maintenance, and repair of storm drains, catch basins, and drywells.

COMMENTS: (T06-159-01) Total amount not to exceed \$150,000.

DOCUMENT NAME: [20080605fst12.pdf](#) **PURCHASES (1004-01)**

76. Approved a one-year contract renewal with H & E Equipment Services for the purchase of forklifts.

COMMENTS: (T06-190-02) Total amount not to exceed \$160,000.

DOCUMENT NAME: [20080605fsta16.pdf](#) **PURCHASES (1004-01)**

77. Approved one-year contract renewals with UAP Distribution, Inc. and Target Specialty Products for the purchase of chemicals, fertilizers and pesticides.
COMMENTS: (T07-129-02 and T07-129-03) Total amount not to exceed \$225,000.
DOCUMENT NAME: [20080605fslq24.pdf](#) **PURCHASES (1004-01)**
78. Approved a two (2) month extension and an increase in the value of a contract with Williams and Associates for lobbyist services.
COMMENTS: (T07-147-01) Increase in the amount from \$110,500 to \$127,500.
DOCUMENT NAME: [20080605fslq27.pdf](#) **PURCHASES (1004-01)**
79. Approved the purchase of an additional five (5) fleet vehicles utilizing State of Arizona contracts with Five Star Ford and Midway Chevrolet/Isuzu.
COMMENTS: (SCC070002-A4) The cost of these additional vehicles will not exceed \$175,000.
DOCUMENT NAME: [20080605fsta15.pdf](#) **PURCHASES (1004-01)**
80. Approved the utilization of a one-year State of Arizona contracts with The Arizona Republic, Freedom Arizona Information (formally East Valley Tribune), and Arizona Capitol Times for the purchase of legal and classified advertising services.
COMMENTS: (EPS070006-A) Total cost of these contracts shall not exceed \$300,000.
DOCUMENT NAME: [20080605fsts20.pdf](#) **PURCHASES (1004-01)**
81. Approved the utilization of a thirty-one month Maricopa County contract with Runbeck Elections Services, Inc. for printing and distribution of election ballots.
COMMENTS: (05155) Total cost of this contract shall not exceed \$40,000.
DOCUMENT NAME: [20080605fsts21.pdf](#) **PURCHASES (1004-01)**
- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.
- *82. Introduced and held the **first** public hearing for an amendment to a Planned Area Development Overlay for LOT 2 OF PLAYA SIX located at 985 East Playa Del Norte Drive. **The second public hearing is scheduled for July 22, 2008.**
COMMENTS: (PL070393) (Michael O'Connor, Irgens Development Partners, L.L.C., property owner; Manjula Vaz, Gammage & Burnham P.L.C., applicant) for a ten story building consisting of five stories of offices above a five level parking garage, approximately 106,030 s.f. of office and approximately 122,970 s.f. of garage, on approximately 1.76 net acres, located at 985 East Playa Del Norte Drive in the MU-4 (PAD), Mixed-Use High Density District with a Planned Area Development Overlay and within the Rio Salado Overlay District. The request includes the following:
PAD08004 – (Ordinance No. 2008.20) Amended Planned Area Development Overlay

to modify the development standards to allow for a building height increase from 75'-0" to 129'-0", allow a front-yard building setback of 113'-0", a side-yard building setback of 0'-0", a rear-yard building setback of 0'-0", site landscape coverage of thirteen (13) percent and building lot coverage of thirty-eight (38) percent.

DOCUMENT NAME: [20080605dskko02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *83. Introduced and held the **first** public hearing to adopt an ordinance granting an easement to Southwest Gas Corporation to install and maintain the facilities necessary to provide gas service across a parcel of City-owned property near the North East corner of Rio Salado Parkway and Mill Avenue. **The second public hearing is scheduled for July 22, 2008.**

DOCUMENT NAME: [20080605PWCH11.pdf](#) **EASEMENTS (0904-02)**
ORDINANCE NO. 2008.27

- *84. Introduced and held the **first** public hearing to amend Chapter 32 of the Tempe City Code relating to Towing From Private Property. **The second public hearing is scheduled for July 17, 2008.**

DOCUMENT NAME: [20080605cacc01.pdf](#) **TCC CH 32 – TOWING (0503-32)**
ORDINANCE NO. 2008.24

D. Ordinances and Items for Second Hearing/Final Adoption

- *85. Held the **second public hearing** and approved **with conditions** a Planned Area Development Overlay for TEMPE LANDING located at 125 S. Priest Dr.

COMMENTS: (PL070508) (Tom Meissner, Vaughan Street LLC, property owner; David Thorson, McShane Construction Corporation, applicant) consisting of a commercial development of two mid-rise office buildings with combined area of 420,406 s.f. and a parking garage of 516,892 s.f. of area on a site of approximately 7.68 acres located at 125 South Priest Drive in the GID, General Industrial District and the Rio Salado Overlay. The request includes the following:

PAD08003 – (Ordinance No. 2008.17) Planned Area Development Overlay to modify development standards to allow a building height increase from 35'-0" to 101'-0" for the two office buildings and from 35'-0" to 96'-0" for the garage.

The following conditions were also approved:

1. A building permit shall be obtained on or before June 5, 2010, or the property may revert to the previous zoning designation, subject to a formal public hearing.
2. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134 that may now or in the future exist, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, which shall be submitted to the Development Services Department no later than July 5, 2008, thirty calendar days after the date of approval, or the Planned Area Development Overlay approval shall be null and void.
3. The Planned Area Development Overlay for Tempe Landing shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development

Services Department prior to issuance of building permits.

4. Maximum height of structure, as measured from the top of curb adjacent to the center of the front yard of the site, to the highest portion of the roof or parapet of the following:
 - a. for each office building, shall not exceed 101'-0".
 - b. for the garage, shall not exceed 96'-3".
5. The increased height exception stipulated in ZDC Sec. 4-205(A) shall be waived for the office buildings and the garage.
6. Where a temporary site structure that exceeds the height of the buildings is utilized, such as a construction crane, submit height coordinate(s) for the structure(s) to the Federal Aviation Administration and the City of Phoenix Aviation Department for review and obtain written approvals from each agency prior to issuance of a building permit for Phase 1.
7. At the landscape buffer consisting of a double row of Dalbergia sissoo adjacent to the south and east sides of the garage, the inner row (the row closer to the garage) shall be 36" box size at installation. The remainder of the double tree row on the south and east property lines may be 24" box size at installation as indicated. Include the double tree row and supporting irrigation along the full length of the east and south property lines as part of Phase 1.
8. The developer shall receive approval of the final Traffic Impact Study from the Traffic Engineer prior to issuance of a building permit for Phase 1.

DOCUMENT NAME: [20080605dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *86. Held the **second public hearing** and approved ORDINANCE NO. 2008.21 amending Chapter 21 of the Tempe City Code relating to Nuisances and Property Enhancement by amending Section 21-3 relating to Enumerated Violations.

DOCUMENT NAME: [20080605cdjk01.pdf](#) **TCC CH 21 – NUISANCES (0503-21)**

E. Resolutions

- *87. Held a public hearing and approved RESOLUTION NO. 2008.38 approving continuation of the District and annual assessments for the Downtown Tempe Enhanced Services Improvement District.

DOCUMENT NAME: [20080605cdcm01.pdf](#) **CENTRAL BUSINESS DISTRICT (0403-05)**

88. Approved RESOLUTION NO. 2008.46 approving and authorizing the Mayor to execute **Contract #2005-143D**, the Memorandum of Understanding Between SEIU Local 5 and the City of Tempe July 1, 2008 – June 30, 2009.

DOCUMENT NAME: [20080605IAKJ01.pdf](#) **PUBLIC WORKS – MEET AND CONFER (0303-08-03)**

89. Approved RESOLUTION NO. 2008.44 accepting Arizona Governor's Office of Highway Safety funding for the Occupant Protection Enforcement Wave.

DOCUMENT NAME: [20080605pdstj01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)**

90. Approved RESOLUTION NO. 2008.47 authorizing the Mayor to execute **Contract #2008-116**, an Intergovernmental Agreement between the Pascua Yaqui Tribe, the City of Tempe and Kyrene School District No. 28.
COMMENTS: To provide funding in the amount of \$25,000.
DOCUMENT NAME: [20080605graw01.pdf](#) **STATE LEGISLATURE (0107-06)**
91. Approved RESOLUTION NO. 2008.48 authorizing the Mayor to execute **Contract #2008-117**, an Intergovernmental Agreement between the Pascua Yaqui Tribe, the City of Tempe and Tempe Elementary School District No. 3.
COMMENTS: To provide funding in the amount of \$75,000.
DOCUMENT NAME: [20080605graw02.pdf](#) **STATE LEGISLATURE (0107-06)**
92. Approved RESOLUTION NO. 2008.49 authorizing the Mayor to execute **Contract #2008-118**, an Intergovernmental Agreement between the Pascua Yaqui Tribe and City of Tempe.
COMMENTS: To provide funding in the amount of 74,670 to the City.
DOCUMENT NAME: [20080605graw03.pdf](#) **STATE LEGISLATURE (0107-06)**
93. Adopted RESOLUTION NO. 2008.50 providing for the issuance and sale of \$66,365,000 of City of Tempe General Obligation Bonds, Series 2008A; providing for the annual levy of a tax for the payment of the bonds; providing certain terms, covenants and conditions regarding the issuance of the bonds; accepting a proposal for the purchase of the bonds; appointing a registrar, transfer agent and paying agent for the bonds.
DOCUMENT NAME: [20080605fsjh01.pdf](#) **BOND SERVICE ADMINISTRATION (0203-01)**

6. PUBLIC APPEARANCES

UNSCHEDULED PUBLIC APPEARANCE

Aaron Finter, Counsel for Valley Express Towing. Valley Express Towing was not awarded the contract (#49), and although they have no objection to the process, they object to the lack of participation with Valley Express Towing in the process. The City requested that the towing companies submit bids. They did submit a bid. There was never a contract at that point, but the City requested that the companies resubmit bids and this was timely done. At that point, they learned that the City intended to make public the initial bids from the other towing companies. They did submit a letter objecting as they believe that ran afoul of Arizona statutes pertaining competitive bidding. Following that letter, there was never any type of inspection of the facilities of Valley Express Towing. That is important in determining who would be awarded the contract, and is also important because there was a change in the facilities (an expansion) between the time of the initial bid and the resubmitted bid.

Mayor Hallman asked the City Attorney that since this item has already been approved, whether it would

be acceptable to engage in conversation.

Mr. Ching responded that to the extent it was not a public hearing item, it is a little more questionable. If a councilmember had pulled it for consideration, he would feel more comfortable, but he spoke with this gentlemen and because they have filed a protest timely, their protest will be handled pursuant to the City's Procurement Code. That process is already in place. He believed that if Council wants to engage, it is probably within the spirit of the open meeting law since it was on the agenda.

Mayor Hallman asked if there was a view of the facilities after the first submittal.

Mr. Finter responded that there was an inspection following the initial submission. He continued that none of the references listed with the resubmitted bid were ever contacted. If there was no inspection of the facilities and no contact with the references, perhaps Valley Express Towing was not allowed to be a part of that process. They don't object to the award, but they perceive a lack of fair consideration.

Mayor Hallman clarified that there are three issues being raised: (1) the bids were made public; (2) there was no review of the facilities in the second iteration of the process; and (3) none of the references were contacted.

Mr. Ching verified that this is proceeding through the administrative process.

Mayor Hallman asked what kind of damages result from having the bids made public.

Mr. Finter responded that it is pursuant to Title 28.

Mayor Hallman clarified that it would be whatever the statute would require, but there are no specific damages in this case.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Carter announced that the Arizona State Supreme Court has awarded the Tempe Municipal Court the award for the category of improving communications and cooperation with the community, other branches of government, and within the judicial branch. The Tempe Municipal Court was nominated for its Tempe Municipal Court's Community Connect Project. She further noted a photograph showing City Manager Charlie Meyer in a kayak, and she also congratulated Councilmember Shekerjian who will become a grandmother.
- Councilmember Arredondo commended the Police Department for their saturation of an area of Tempe that statistically showed that it lowered crime rates. It says a lot of about the leadership, about the people who wear the uniforms, and about how serious we are about crime in Tempe. He added that Eugene, Oregon, is using a Tempe model for the marketing and recruitment outreach committees that we formed. The Diversity Department's leadership under Rosa Inchausti has shown that diversity is much more than just color. He further explained that he left the dias during the Issue Review Session because GPEC, SACA, and Orbit need the full attention of council or the new

- council. All Tempe deserves a full council on those three things.
- Councilmember Shekerjian announced that she attended the opening of the South Mountain Community College satellite campus in Guadalupe. It was a great example of partnerships between a non-profit organization (the Boys and Girls Club), the Town of Guadalupe, and South Mountain Community College. They have worked hard for many years to form that partnership and open the campus. She also thanked the Neighborhood Services staff. Recently, there has been construction in south Tempe, and Shana Warner and Elizabeth Thomas have listened to the community concerns regarding noise, and have been very responsive. Elizabeth Thomas went out at 2:30 a.m. with a police officer to listen firsthand to how noisy it was and there have been efforts to mitigate some of the negative effects.
 - Mayor Hallman stated that on the agenda this evening there were many change orders for contracts. He asked the City Manager to assemble a team to review how the City is controlling contracts. When this many change orders come through, it is time to look at how we are handling contract management and whether or not change orders should be awarded for a project. He also appreciated Councilmember Arredondo's earlier point. The meeting date was changed from June 12th to June 5th to accommodate a councilmember's vacation and then ultimately things changed. Clearly, there is a lot of work to be done. Fortunately, the GPEC item did not get approval, but it was moved back to the Formal agenda. Otherwise, it had been on the Formal agenda for tonight, but he had asked that it be removed so that the public could be alerted and the Council would have the one opportunity to address the Ad Hoc Long Range Budget and Finance Planning Committee's recommendation. The SACA grants do not involve City money, but it is money that has been awarded by the City of Tempe through prior policy decisions to the Tempe Community Council (TCC). His understanding was that the TCC was merely looking for Council direction on their recommendations. In terms of the Orbit, the final decision that we move forward and that staff will return with recommendations on how to change the program was appropriate.

Meeting adjourned at 8:15 p.m.

I, Jan Hort, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of June 5, 2008, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this day of , 2008.